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November 3, 2016

Hon. Joseph F. Bianco
US District Court Judge
US District Court
920 Federal Plaza
Central Islip, NY 11722

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 09 2016 ★

Re: *U.S. v. Kenner* 13-607 (JFB)

LONG ISLAND OFFICE

Dear Judge Bianco:

We submit this letter as a follow up to our letter dated October 2, 2016. In our letter, we referenced two submissions we anticipated filing on behalf of Mr. Kenner.

The first submission was a supplement to Mr. Haley's previously filed objections to the PSR. In the October 2nd letter, we indicated we intended to submit this supplement by October 7th. This supplement has been prepared and submitted.

The second submission is a revised version of the *pro se* submission which Mr. Kenner has already submitted along with others which he has prepared and seeks to submit. As previously indicated, these submissions appear to be a *pro se* Rule 33 motion and we proposed providing a roadmap memorandum. We have been working with Mr. Kenner in revising his submissions. However, at this point, we do not anticipate having a revised submission by the November 7, 2016 submission date. We anticipate needing another three weeks to complete this task. Accordingly, we respectfully request the briefing schedule be modified to indicate the revised *pro se* submissions, and roadmap, are to be submitted by November 28, 2016.

In addition, on October 6, 2016, the Government submitted its forfeiture brief. It is voluminous and raises numerous complex issues. We respectfully request an additional 60 days, to January 6, 2017, to prepare our response to the forfeiture brief.

Finally, the Court scheduled a status conference for November 9, 2016. We infer this was set in our submissions being due on November 7th. However, in light of the foregoing requests, as well as personal scheduling conflict with this date, we respectfully request the conference be adjourned as well. Subject to the Court's availability, we request it be scheduled for November 29 or December 2, 2016.

We have conferred with the Government and they consent to these requests.

Respectfully submitted,

/s/

Jeffrey G. Pittell

cc: Diane Leonardo, AUSA
Saritha Komatireddy, AUSA
Andrew Oliveras, Esq.
Phillip Kenner
All counsel of record via ECF

Requests are granted. Revised subpoena is now due
on November 28, 2016. Response to forfeiture brief is
due January 6, 2017, and the status conference is
adjourned to November 29, 2016, at 1:30 p.m.

s/ Joseph F. Bianco

Date: Nov. 9 2016
Central Islip, N.Y.